

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

FOOD MANAGEMENT GROUP, LLC,
KMA I, Inc.,
KMA II, Inc.,
KMA III, Inc.,
BRONX DONUT BAKERY, INC.,

Debtors.

-----X

JANICE GRUBIN, in her capacity as Chapter 11
Trustee for Debtor FOOD MANAGEMENT
GROUP, LLC, KMA I, Inc., KMA II, Inc., and
BRONX DONUT BAKERY, INC.,

Plaintiff,

-against-

ROBERT L. RATTET;
JONATHAN S. PASTERNAK; RATTET
PASTERNAK & GORDON OLIVER, LLP,

Defendants.

-----X

Chapter 11

Case No. 04-22880-ash

Case No. 04-22890-ash

Case No. 04-22891-ash

Case No. 04-22892-ash

Case No. 04-20312-ash

(Jointly Administered)

Adv. Pro. No. 07-8221-mg

NOTICE OF APPEAL

MATRIX REALTY GROUP, INC., the proposed intervenor herein, (“Matrix”), by and through its counsel, The Law Offices of Avrum J. Rosen, PLLC, hereby appeals to the United States District Court for the Southern District of New York from the Order (the “Order”) which denied the proposed intervenor’s motion to intervene, *sua sponte*, which was entered by the United States Bankruptcy Court for the Southern District of New York on April 7, 2008. A copy of the Order is annexed hereto as Exhibit “A”.

Matrix appeals from so much of the Order that denied its motion to permissively intervene in this pending adversary proceeding and finding that in the Court’s exercise of its discretion,

intervention in this case will unduly delay or prejudice the rights of the original parties.

In accordance with Local Civil Rule 83.8 of the United States District Court for the Southern District of New York and Rule 8001(a) of the Federal Rules of Bankruptcy Procedure, the names of the parties to the Order appealed from and the name, addresses, and telephone numbers of their respective attorneys are listed below.

PARTIES IN INTEREST

For Janice Grubin (Trustee/Plaintiff)
Warren Von Credo Baker, Esq.
Drinker Biddle & Reath LLP
191 N. Wacker Drive
Suite 3700
Chicago, IL 60606-1698
312 569-1000

For Robert L. Rattet, Esq.
Jonathan S. Pasternak, Esq.
Rattt, Pasternak & Gordon Oliver, LLP
Gil M. Googler
White Fleischer & Fino, LLP
140 Broadway
36th Floor
New York, New York 10005
212 487-9700
-and-
John Collen, Esq.
Quarles & Brady, LLC
Citicorp Center
500 West Madison Street, Ste 3700
Chicago, IL 60661

For Matrix Realty Group, Inc.
The Law Offices of Avrum J. Rosen, PLLC
38 New Street
Huntington, New York 11743
631 423 8527

Dated: Huntington, New York
April 17, 2008

The Law Offices of Avrum J. Rosen, PLLC
Attorneys for Matrix Realty Group, Inc.

BY: S/Avrum J. Rosen
Avrum J. Rosen (AJR4016)
Fred S. Kantrow (FK3499)
38 New Street
Huntington, New York 11743
(631) 423-8527
ajrlaw@aol.com